



Inter Department Correspondence Sheet

TO: Members of Council

FROM: City Clerk

COPIES TO: _____

SUBJECT: Minutes of City Council Meeting

May 8, 2015

Attached are the minutes from the City Council meeting held on April 28, 2015.

R. Breckenridge Daughtrey

NORFOLK, VIRGINIA

REGULAR SESSION OF COUNCIL

TUESDAY, APRIL 28, 2015

President Fraim called the meeting to order at 4:32 p.m. with the following members present: Mrs. Graves, Mrs. Johnson, Mr. Riddick, Dr. Whibley, Mr. Winn and Mr. Smigiel. Mr. Protogyrou was absent.

He thereupon called on the City Manager to review the agenda. The City Manager stated there is a report from the Department of Virginia Department of Environmental Quality.

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

Denise Thompson, Manager of Environmental Protection, introduced DEQ representatives Maria Nold, Tidewater Regional Director and Charles Turner, Director of Air Quality Monitoring.

They reported as follows:

- An overview of the agency was provided.
- An overview was provided of Norfolk Southern's Lamberts Point Coal Terminal and its operation.
- Virginia regulations for fugitive dust apply to the terminal.
- The coal terminal does not have a coal dust limit.
- Facility inspected six times in the last 15 years and was found in compliance. Excessive dust was found in the 2006 inspection.
- No complaints of dust received for 2012 and 2013; there were 9 in 2014 and 8 so far for 2015.
- DEQ has partnered with Norfolk Southern to monitor air quality and includes adding a new monitoring station and replacing the monitor at the existing station.
- Management includes five particulants: coarse particulant matter- which is what is measured at the coal facility and measurements are well within national standards which is 150 micrometers; carbon monoxide; sulfur dioxide; and, nitrogen dioxide and all are in compliance with national standards.

Dr. Whibley asked how Council members can explain this situation to residents. The response was DEQ is monitoring coal dust emissions along with Norfolk Southern and thus far they have been within national standards.

Mr. Riddick asked if DEQ has ever been asked to monitor shipyards in Berkley for fugitive dust and, if not, how one would ask. The response was DEQ has conducted monitoring operations.

Mayor Fraim asked for copies of the presentations.

BUDGET WORKSESSION

Mr. Riddick: Expressed concerns about the 26% reduction in technology funds for the school system. The manager responded by reviewing how the school system arrived at their figures and stated that what the City proposes this year will provide level funding.

Mr. Winn asked for an explanation of the line of credit. The manager responded it allows the City to adjust the need to go to the bond market and to limit how often the City goes to the bond market. The City now borrows as needed and pays back the line of credit.

He asked that St. Patrick's School be contacted about a sidewalk on Westmoreland Avenue. The manager responded there is \$1.8 million in complete street funds and grant funds for safe passageways for schools and this will be examined in conjunction with that funding.

Dr. Whibley stated she wants the schools to be made whole. She expressed great concern about code enforcement around ODU, citing cars parked in front yards and trash, and asked for a way to finance an improvement effort along with ODU. She also asked about identifying additional properties in Denby Park.

Ms. Johnson asked if the City share and school share of funding would meet the schools proposed salary increase. The manager responded in the affirmative.

She asked if there is a reason some raises come in July and some in January and asked why. The manager responded it was attributable to financial reasons.

Mrs. Graves asked if there is adequate software and equipment for code enforcement staff and to recruit staff, and are there enough staff. The manager responded the next phase of smart processing includes technology for code enforcement.

She expressed support for fully funding the school system and concern for the impact on the school's future budgets.

Mr. Smigiel asked if the retirement fund is healthy. The manager stated it is. Mr. Smigiel then asked for another joint meeting with the Retirement Board to discuss the impact of a cost of living increase on the system. The manager responded his proposal for retirees is a bonus that comes out of the general fund. Mr. Smigiel reiterated his interest in a COLA for retirees.

He expressed concerns with the CIP budget for the school system, saying maintenance needs will never be caught up on and said the school system needs more funding. He suggested cooperating on procurement with the school system to achieve cost savings.

Mayor Fraim stated he agreed generally with the comments on school maintenance.

He asked about the Fire Rescue Facility for Fairmont, and suggested funds for schools might be found there.

He said the Norfolk Studios program seems to be in flux and will be delayed and there is money there that could be used elsewhere.

As to the retirement system, the Mayor stated employees were and are aware that COLA's are not a part of the retirement plan and great caution needs to be exerted when considering COLA's as each COLA makes the system more expensive to fund.

Mr. Smigiel suggested as an alternative to look at the lowest compensated retirees for adjusting the amount of the bonuses. Deputy City Manager Joy-Hogg stated the \$300 amount of the bonus was for retirees earning less than \$15,900.

Mr. Riddick stated a fire station at Lafayette Boulevard and Lens Avenue could lift the whole neighborhood.

In referring to p.599, CBDG funds, he asked how quickly home rehabilitation funds could be available.

He asked about HRT funding. It is up to \$18 million.

Dr. Whibley asked for information on the cost increases for HRT.

Mr. Riddick asked how much an elevator would cost for Tarrellton School.

Ms. Johnson, in commenting on a fire station for Fairmount Park, stated the site referenced by Mr. Riddick was not large enough and that a larger site needs to be identified for a new station.

Mrs. Graves asked what can be done to ensure all employees understand the retirement system. The manager responded this is communicated through the Employee Relations Committee.

Mr. Smigiel agreed about increasing funding for the Poverty Reduction Initiative.

He asked if the City fees and estimated taxes collected equate to the impact fees in Chesapeake to recapture costs new development generates to the City.

He commented funding for the Boxing Center is taking away from parks that need work and ball fields and soccer fields.

Mayor Fraim asked about the balance in the revolving real estate fund and asked if the Berkley property was close to funding. The answer was yes.

He urged more attention to neighborhood parks and recreation centers.

SELDEN ARCADE UPDATE

Ron Williams, Deputy City Manager and Fire Rescue Chief Jeff Wise reported:

- The investigation as to the cause of the fire and explosion is ongoing, but indications are it was accidental.
- The investigation may take several months as evidence is analyzed and are still seeking to find out why it happened.
- Interim solutions are being examined to enable tenants to reoccupy their space. Some can be returned sooner – like D'Egg – while others will take longer due to rebuilding requirements.

Mr. Winn asked if tenants have insurance. Mr. Williams answered some did but he didn't know for certain about all of them.

Mayor Fraim stated the City should be doing all it can to help the tenants. He encouraged Chief Wise to release information on the cause of the incident as it is learned.

NORFOLK, VIRGINIA
DOCKET FOR THE COUNCIL
TUESDAY, APRIL 28, 2015 – 7:00 P.M.

Mayor Fraim called the meeting to order with the following members present: Mrs. Graves, Mrs. Johnson, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

Prayer offered by Councilman Paul Riddick, followed by the Pledge of Allegiance.

President Fraim moved to excuse Mr. Protogyrou from today's meeting.

Motion adopted.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Albert Viola**, for a change of zoning from C-2 (Corridor Commercial) District to Conditional R-14 (High Density Multi-Family) district on property located at **7922 Shore Drive**.

Ellis James, 2021 Kenlake Place, stated that had been concerned about the traffic, but after speaking to a city official, he found that the traffic issues had been resolved, and now supports this project.

Albert Viola, the applicant, 205 60th Street, Virginia Beach, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to rezone property located at 7922 Shore Drive from C-2 (Corridor Commercial) to Conditional R-14 (Multi-family Residential) District," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 28, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Catherine McCoy**, for a change of zoning from Conditional R-8 (Single-Family) and Bay Front Residential Parking Overlay (BFRPO) Districts to Conditional R-12 (Medium Density Multi-Family) and BFRPO Districts on property located at **2040 East Ocean View Avenue**.

Thereupon, an Ordinance entitled, "An Ordinance to rezone property located at **2040 East Ocean View Avenue** from **Conditional R-8 (Single-Family Residential)** and **Bay Front Residential Parking Overlay (BFRPO) Districts** to **Conditional R-12 (Medium Density Multi-Family Residential)** and **Bay Front Residential Parking Overlay (BFRPO) Districts**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 28, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Catholic Diocese of Richmond**, for a change of zoning from **R-8 (Single-Family)** and **IRIO (Institutional Residential Impact Overlay) Districts** to **Conditional IN-2 (Institutional Campus) District** on properties located at **1300-1310 49th Street**.

Thereupon, an Ordinance entitled, "An Ordinance to rezone properties located at **1300 to 1310 49th Street** from **R-8 (Single-Family Residential)** and **IRIO (Institutional Residential Impact Overlay) Districts** to **Conditional IN-2 (Institutional Campus) District**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 28, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-4

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on an Ordinance to amend Section 14.1-121 **SO AS TO** change the voting place of the **Young Park Precinct**.

Thereupon, an Ordinance entitled, "An Ordinance to amend **Section 14.1-121 SO AS TO** change the voting place of the **Young Park Precinct**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 28, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting **Sweet Teas Norfolk LLC** permission to encroach into the right of way of Granby Street approximately 115 square feet for the purpose of outdoor dining and approving the terms and conditions of the Encroachment Agreement," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 28, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, "An Ordinance permitting the **Palace Shops South, LLC**, to encroach into the right of way of West 21st Street, Llewellyn Avenue and a service alley at **301 West 21st Street** with roof overhang, building, canopy, signage and lighting," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 28, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance requesting the **Virginia Department of Transportation** to establish a project for the **Terminal Boulevard Pavement Rehabilitation**; approving an Agreement with the Commonwealth of Virginia, Department of Transportation; and appropriating and authorizing the expenditure of the total sum of \$1,750,000.00, subject to and in accordance with the terms and conditions of the aforesaid Agreement,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, said this project is needed and urged safeguards be put in place in the event of poor performance on the part of the company who will be performing the work.

ACTION: The Ordinance as introduced was **adopted**, effective April 28, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a \$15,000 in grant funds from the **Virginia Department of Criminal Justice Services** from the **Byrne Justice Assistance Continuation Grant**, appropriating the grant funds and authorizing the expenditure of the grant funds and \$5,000 in local cash matching funds for the study project involving the local juvenile justice system with total project funding in the amount of \$20,000,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 28, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the Conveyance to the City of Norfolk by **Norfolk Redevelopment and Housing Authority** of certain parcels of property that are currently part of the **Berkley III Conservation Project**, and authorizing the City Manager to accept the Deed on behalf of the City,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 28, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance gratefully accepting the gift of eleven bronze plaques to be established at the **Wisconsin Square** in honor of service members directly connected to the City of Norfolk who earned the Medal of Honor while serving their country,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 28, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance closing certain city-owned docks to public use during the **Norfolk Harborfest 2015** celebration,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 28, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance establishing certain public areas and streets of the City of Norfolk as the “Festival Area” and setting forth the regulations applicable to such Festival Area for the **Norfolk Harborfest 2015** celebration,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 28, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-9

Letter from the City Manager and a Resolution entitled, “A Resolution approving the exercise by the **Norfolk Airport Authority** (the Authority) of powers conferred by Chapter 463 of the Acts of Assembly of 1948, as amended, in conjunction with the issuance for **Norfolk Collegiate School** (the School) of not to exceed \$3,300,000 of the Authority’s revenue bonds to assist in the financing of the construction of two multi-purpose artificial turf athletic fields and lighting and the demolition of properties on **Woodfin Avenue** in Norfolk, Virginia,” was introduced in writing and read by its title.

George Consolvo, the attorney, 150 West Main Street, Ste 2100, was present to answer questions.

ACTION: The Resolution as introduced was **adopted**, effective April 28, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Fraim.

No: None.

R-10

Letter from the City Attorney and a Resolution entitled, “A Resolution adopting rules regulating the conduct of persons attending **meetings of the City Council**,” was introduced in writing and read by its title.

Danny Lee Ginn, 3844 Dare Circle, expressed his opposition to the resolution stating that he felt it was oppressive.

Joe Cooke, 1147 Surry Crescent, stated he believed the resolution to be overly broad, subject to the presiding officer’s discretion, that there are no definitions of what is prohibited and noted what he felt were contradictions and that it could be selectively enforced. He asked that it be reworked.

David Aument, 6400 Bridle Way, spoke in support of the resolution quoting the excerpt “man in the arena” from President Theodore Roosevelt’s 1910 speech “Citizenship in a Republic.”

Jane Bethel, 1142 Little Bay Avenue, spoke in opposition to the resolution asking that it be reworked and cited portions she did not like.

Ada Blair, 199 Filbert Street, spoke in support of the resolution.

Cynthia Powell, 1765 Washington Avenue, spoke in support of the resolution stating it will ensure council proceedings are conducted with dignity and decorum.

Ellis James, 2021 Kenlake Place, asked council to consider the input on this item, delay action and have it reworked.

ACTION: The Resolution as introduced was **adopted**, effective April 28, 2015.

Yes: Graves, Johnson, Riddick, Smigiel, Whibley, Winn and Frain.

No: None.

NEW BUSINESS

1. John Keifer, 1923 Paddock Road, stated his comments relate to R-10, noting Mr. Riddick's record of service is long and distinguished and that he applauds council's action to emphasize a need for respect in the chamber.
2. Claude Miller, 1529 Holland Avenue, commented on a recent Virginian-Pilot article on safety at Old Dominion. He reviewed the development of ODU, stating it is an outstanding university that has been maligned with an unsafe reputation.
3. Liz Schleeper, 608 Summers Drive, stated she serves on the Bicycle and Pedestrian Trail Commission and reported that Norfolk is continuing to evolve into a more bike friendly and pedestrian friendly environment. She noted bike month events, sharrows on city streets and the bike lanes on Bayview Boulevard.
4. Josette Walker, 1035 Louisa Street, stated she is with the Concerned Citizens of Booker T. Washington High School, whose mission is to aid in and support the effort to regain and retain the school's academic accreditation.
5. James Peele, 6349 Avon Road, expressed concern about Booker T. Washington High School. He stated most of the group are 1958 graduates of Booker T. Washington, and asked that all work together to make a change at Booker T.
6. Eddie Williams, 3028 South Great Bridge Drive, stated that he was pleased with the way Council voted this evening.
7. Sylvia Madison, 2919 East Virginia Beach Boulevard, stated the City has declared her home uninhabitable and she can no longer live in it. She said she has nowhere to go and asked for assistance.
8. Ronda Madison, 2919 East Virginia Beach Boulevard, stated that she is the daughter of Sylvia Madison, and asked the city of Norfolk to preserve history and family legacy and to stop hurting her mother and to restore the Madison residence at 2919.

9. Venessa August, 1400 Westover Avenue, stated that she had a statement prepared prior to the DEQ presentation this afternoon, thanked Councilwoman Whibley for asking very direct questions about the coal dust and cited examples of how coal dust is negatively affecting her home and neighborhood as well as others, and said the conversation with DEQ needs to continue.
10. Allan Ray Gregory, 1342 Westover Avenue, expressed skepticism about the air quality reports from DEQ on coal dust emissions from Norfolk Southern's Coal Pier operation.
11. Georgette Constant, 1342 Westover Avenue, commented that utilizing water spray for coal dust suppression is ineffective.
12. Al Markowitz, 606 Shirley Avenue, stated he believes coal dust coming from the Lambert's Point Coal Pier is a health hazard and needs to be addressed as a public health problem.
13. Joseph Filipowsk, 627 Maryland Avenue, requested that City Council support the Sierra Club and the citizens groups who are demanding that Norfolk Southern Railroad create a comprehensive plan to stop coal dust emissions into the air and water of Norfolk and the surrounding Hampton Roads.
14. Joe Cook, 1147 Surry Crescent, submitted a petition signed by 516 people asking Council to pass a Resolution proposed by Councilman Smigiel calling for Norfolk Southern to take specific coal dust mitigation measures. He referenced a recently received report from the Chemoptix Microanalysis company that found coal dust concentrations ranging from 20 percent to 70 percent in areas in and around the Norfolk Southern Coal Terminal. He criticized the coal dust sampling methods used by DEQ, and requested council to ask Norfolk Southern to take action to protect the public's health from coal dust.
15. Yasmine Cooper, 212 W. 29th Street, thanked Council for adopting the Resolution on conduct at council meetings, thanked James Rogers for his help with the vehicular access issue on 29th Street and asked council not to re-appoint the four incumbent school board members.
16. Thomas Calhoun, 5443 Welaka Road, President Norfolk Federation of Teachers, expressed dissatisfaction that \$1.6 million dollars in federal funds went unspent by the school system and noted that the AFT has been trying to partner with the school board for almost a year.

17. Merle Rutledge, 1000 Berkley Avenue, commented favorably on the police response to the recent issue with a Norfolk State University student, on how police use of body cameras and about a woman who told him she had been raped but that the police decided not to investigate.
18. Jane Bethel, 1142 Little Bay Avenue, stated she supported those seeking relief from coal dust emissions from the Lambert's Point Coal Terminal and requested council to grant a cost of living adjustment for retirees.
19. Cynthia Powell, 1765 Washington Avenue, stated that she does not have another issue and that everything has been resolved positively. She asked the folks who came down to support the adoption of R-10 to stand. (Approximately six citizens stood to show their support.)
20. Danny Lee Ginn, 3844 Dare Circle, stated that he had never attacked Paul Riddick in the three years he has spoken before council, that he just provides council with facts and that with adoption of the amendments to the rules governing public participation in council meetings he at least knows where council stands.